



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)

J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2009-20

Petition of Catherine & Daniel Ward  
14 Upland Road

---

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 2, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CATHERINE & DANIEL WARD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7 foot by 25 foot two story addition with less than required side yard setbacks, demolition and reconstruction of an 18.3 foot by 20.3 foot garage with less than required side yard and rear yard setbacks, on an 8,306 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 14 UPLAND ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The Petitioner is requesting a determination that expansion of a 3.5 foot by 5 foot open stairwell to 4.5 feet by 8 feet shall not increase total lot coverage.

On March 16, 2009 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Michael Hally, who said he was representing Catherine & Daniel Ward (the "Petitioner"). Mr. Hally said that it is a nonconforming lot. He said that he submitted two plot plans. He said that Plot Plan A shows a walkdown to the basement and Plot Plan B shows a built out scape well. He said that the existing house is close the maximum allowable lot coverage. He said that the plan is to build a 7 foot by 25 foot addition off of the rear of the house that is almost centered on the lot. He said that they tried to be sensitive to the neighbors on the sides. He said that there is also a small 4.5 foot bumpout on the eastern side that allows for a doorway from the new kitchen to the eating area.

Mr. Hally said that they will be creating a modest master suite on the second floor from an existing bedroom. He said that the bedroom will be pushed out to the rear and cantilevered.

Mr. Hally said that they will be adding a new mudroom entry on the west side. He said that there is a cantilevered fireplace on the first floor which is directly over where the stairs/scape well will be located.

Mr. Hally said that the look of the house is American 4-square. He said that they will be removing some existing bumpouts on the back of the house.

Mr. Hally said that the neighborhood is very eclectic. He said that both houses flanking this property are much more massive. He said that this house has hip dormers.

Mr. Hally distributed a revised C-1 Plan. He said that the garage is located to the rear northwest corner of the lot. He said that there is not a lot of space to the lot line. He said that they would like to rebuild the garage in its exact footprint. He said that they would like to raise it up and change the pitch for storage on the top with a pull down ladder. He said that the cupola would give it more architectural definition.

Mr. Hally said that the plan is to recreate the walkout basement. He displayed a photograph of the existing stairs to the basement. He said that he discussed the issue of lot coverage with the Building Inspector. Mr. Hally said that there is no definition of lot coverage in the Zoning Bylaw. He said that the rule has been that if it sticks out of the ground, it would count towards lot coverage. He said that they are looking to recreate the existing condition. He said that basement walkout will be shielded with plantings and that it will not be covered.

Mr. Hally said that they spoke with the neighbors, who are all in favor of the project. He submitted a letter of support for the project, signed by 12 neighbors.

The Board asked about the differences between Plans A2 and B2. Mr. Hally said that the well that is shown on the rear elevation on Plan A2 is larger than the one shown on Plan B2. He said that it is not needed as a legal egress. He said that it is only a way to get things in and out of the basement.

The Board said that the setbacks for the garage are not shown on the plan.

Mr. Hally said that there are overgrown trees behind the property that belong to Wellesley College. He said that they attempted to reach them a few times to discuss the proposed plans.

The Board said that it was concerned about creating mass along the lot line with the garage. The proposed garage will increase in height.

Mr. Hally said that the new Massachusetts Building Code requires significant bracing of the header over the garage doors. He said that it will have to be 18 or 24 inches, bringing the top of the beam to 8.5 to 9 feet. He said that the doors start above the top plate of the wall. He said that the steeper pitch will be more attractive and functional. The Board said that the cupola will add 9 feet to the height of the garage.

The Board asked about changing to a hip roof on the garage to match the roof on the house. The Board said that will bring the appearance of mass down from the street.

Mr. Hally said that the plan is to rebuild the garage on the existing slab. He said that a new slab was put in several years ago. He said that an edge of the slab must be repaired. He said that the floor is a couple of inches above the foundation.

The Board confirmed that it would be approving Addition A, determining that the open stairway does not count as lot coverage.

The Board said that there will be no plumbing allowed in the garage.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 14 Upland Road, on an 8,306 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 12.8 feet and a minimum right side yard setback of 5.6 feet for the house.

The Petitioner is requesting a Special Permit/Finding that construction of a 7 foot by 25 foot two story addition with less than required side yard setbacks, demolition and reconstruction of an 18.3 foot by 20.3 foot garage with less than required side yard and rear yard setbacks, on an 8,306 square foot lot in a district in which the minimum lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan (Proposed Addition "A") dated 3/4/09, stamped by Todd P. Chapin, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings (EX-1 & EX-2), dated 1/30/09 and Proposed Floor Plans and Elevation Drawings (A-1, A-2 & C-1), dated 2/10/09, prepared by Michael Hally Design Inc., and photographs were submitted.

On March 20, 2009, the Planning Board reviewed the petition and had no objection to granting the request.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 7 foot by 25 foot two story addition with less than required side yard setbacks, demolition and reconstruction of an 18.3 foot by 20.3 foot garage with less than required side yard and rear yard setbacks, on an 8,306 square foot lot in a district in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 7 foot by 25 foot two story addition with less than required side yard setbacks and demolition and reconstruction of an 18.3 foot by 20.3 foot garage, subject to the following conditions:

1. The open stairwell shown on Plan A-1 shall not protrude above grade.
2. The garage modifications shall be built on the existing slab.
3. The roofline of the garage shall be modified to a hip roof to diminish mass from the street and the rear.
4. There shall be no plumbing allowed in the garage.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

---

J. Randolph Becker, Acting Chairman

---

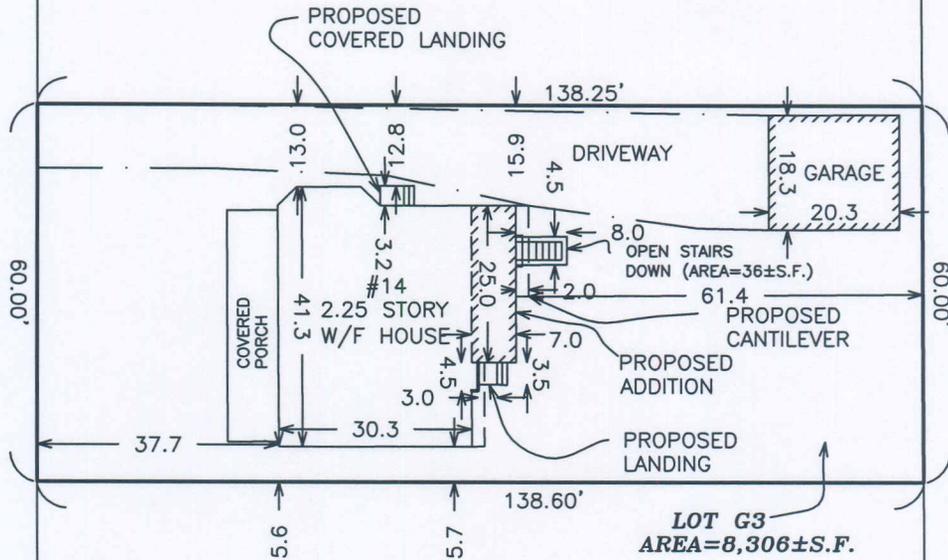
Robert W. Levy

---

David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm

**UPLAND ROAD**  
(PUBLIC - 30' WIDE)

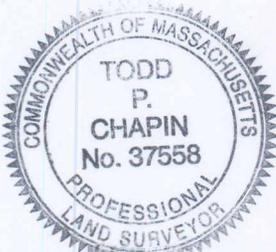


**LOT G3**  
**AREA=8,306±S.F.**

TOTAL LOT AREA =8,306±S.F.  
EXISTING:  
AREA HOUSE = 1,577±S.F.  
AREA GARAGE = 371±S.F.  
TOTAL BUILDING COVERAGE = 1,948±S.F.  
TOTAL BUILDING COVERAGE =23.5%  
TOTAL OPEN SPACE = 76.5%

TOTAL LOT AREA =8,306±S.F.  
PROPOSED AREA HOUSE = 1,700±S.F.  
AREA GARAGE = 371±S.F.  
TOTAL BUILDING COVERAGE = 2,071±S.F.  
TOTAL BUILDING COVERAGE =24.9%  
TOTAL OPEN SPACE = 75.1%

PLAN PREPARED FOR  
PROPERTY OWNER(S):  
DANIEL WARD & CATHERINE OLEARY  
14 UPLAND ROAD  
WELLESLEY, MA. 02482



*T.P. Gi*

ASSESSORS MAP:138 PARCEL: 09  
ZONING DISTRICT: SRD 10 SING. RESIDENTIAL  
MINIMUM YARD SETBACK REQUIREMENTS:  
FRONT = 30.0' SIDE = 20.0' REAR = 10.0'  
MAX. % BUILDING COVERAGE = 25%

ATLAS LAND SURVEYING, INC.

ATLASLANDCO.COM

508-393-9533

8 MOORE LANE, NORTHBORO, MA 01532

**PROPOSED ADDITION "A"**  
VARIANCE PLOT PLAN OF LAND IN  
WELLESLEY, MASS

SCALE: 1"=30'

DATE: 03/04/2009

LAND COURT CERT. #171665

PLAN #1090E LOT G3

RECORDED © NORFOLK CNTY REGISTRY DEEDS

FILED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482  
1 2009 MAR 16 P 3:14